

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BRENDAN McGUINNESS,

CIVIL ACTION NO. 05-11738-EFH

Plaintiff,

v.

JAMES R. BENDER, et al.,

Defendants.

OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL DISCOVERY

The defendants, by counsel, oppose the plaintiff's motion to compel the defendants to provide him the opportunity to view the videotape of the incident on January 31, 2005. (Docket Entry 51). As reason therefore, the defendants state the use-of-force videotape, as well as two other videotapes, the corridor camera videotape and the restraint check videotapes, have been transcribed to DVD format, and copies of the three DVDs are now en-route to MCI-Cedar Junction where arrangements will be made for the plaintiff's viewing.

WHEREFORE, plaintiff's motion to compel should be DENIED.

Dated: October 31, 2006

Respectfully submitted,

NANCY ANKERS WHITE  
Special Asst. Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that this opposition filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 31, 2006.

Dated: October 31, 2006

/s/ William D. Saltzman

William D. Saltzman